

Newsletter of the Institute for Public Policy

# KYRGYZSTAN BRIEF



Issue No.6, September 2006 - October 2006

**Aleksey Malashenko:**

“If one were to assume that the Central Asian States are within the Islamic sphere of influence, which indeed they are, then a dialogue with varying degrees of Islamism must be recognized as a part of the political process. We must not discount the potential of some moderate Islamists to become elected members to government” – p.10

## CONTENTS

<b>The «Jubilee» of the Chinese-Kyrgyz - Uzbek Railroad</b>	
<i>Erlan Abdyl daev</i> .....	2
<b>Unemployment of Youth in Kyrgyzstan: Particularities of the Problem and Possible Solutions</b>	
<i>Anar Musabaeva</i> .....	5
<b>Guest of the issue:</b>	
<i>Aleksey Malashenko</i> .....	10
<b>Forging Broken Links: Uzbeks and the State in Kyrgyzstan</b>	
<i>Alisher Khamidov</i> .....	11
<b>On the Current Political Situation Roundtable summary</b> .....	16
<b>How to Construct an Independent Judiciary: Various Options</b>	
<i>Tamerlan Ibraimov</i> .....	17

## ABOUT IPP

**The Institute for Public Policy (IPP)** is an independent, non-partisan research and policy-making institution, based in Bishkek. Its goals are to develop and promote participatory approach in establishing public policy; to strengthen expert analysis in order to promote effective decisionmaking in matters of public policy and to create an independent platform for dialogue on public policy issues. The Institute provides expert consulting, research and surveys on Central Asian affairs, conflict management services as well as implementation of educational and cultural projects aimed at good governance.

**Institute for Public Policy**

42/1 Isanov Kochosu  
Bishkek 720017  
Kyrgyzstan

Tel/Fax: +996(312) 906220, 906230, 906240

Email: [office@ipp.kg](mailto:office@ipp.kg)

Website: <http://www.ipp.kg>

The publication was supported by grants from:

**European  
Union**

**OSI Assistance  
Foundation**

**OSCE Office  
for Democratic  
Institutions and  
Human Rights**



## THE «JUBILEE» OF THE CHINESE-KYRGYZ-UZBEK RAILROAD

*Analysts from a number of states have expressed various opinions and operating assumptions regarding the existing obstacles and the prospects of the railroad coming to fruition. It could be seen in the positive interests of Beijing to strengthen and consolidate its position in Central Asia as well as bind itself to Uzbekistan and Kyrgyzstan through trunk-railroad construction. Though the Chinese leadership has a number of outstanding concerns. The decisive concern for Beijing is, probably, the instability of the political situation in these two Central Asian states.*

### **Erlan Abdylidaev, Expert of the Institute for Public Policy, former Ambassador of the Kyrgyz Republic to People's Republic of China**

A peculiar jubilee will be celebrated in December 2006 – ten years since instantiating construction of the Chinese-Kyrgyz-Uzbek trunk-railway. During this period the three states undertook vigorous efforts to come to an agreement with each other about various aspects of designing and constructing the transportation corridor which would have connected China along a new route with Europe and Middle East through Central Asia.

There was a particular urgency about the issue for Kyrgyzstan, Uzbekistan and China in the latter half of 1990s. It was on the agenda for negotiations at various levels between the three states including the top leadership. At the same time, the parties have made numerous declarations highlighting the launch of the “project of the century”. Though they never started or even approached constructing the main railway. This lack of progress piques a natural interest both in the states involved in the project, the neighboring states and those states with political, economic and other interests in Central Asia. What is the reason behind this protracted process? Is there the possibility of eventually turning the idea into reality?

Briefly on background of the issue. The most active phase of work on the project was in the late 1990s. The first meeting of representatives from transportation agencies for the three countries to discuss the issue of conducting research and pre-design work on construction of a new Kashgar-Osh-Andijan trunk-railway took place in Tashkent in December 1996. As a result of the initial meeting, the parties agreed on the following: “Taking into account the decision made by the People's Republic of China on construction of a new Korla-Kashgar trunk-railway with the total mileage of 970 kilometers, which anticipates completion of all work by 2000 (this section was successfully completed by the target date), and commencement of service along the newly constructed Tedjen-Serahs-Mashhad Railroad, creates the basis for construction of a southern spur line of intercontinental trunk-railway, which connects in the shortest route ports on the east of PRC with the states of the Middle East and Southern Europe through the states of Central Asia... The parties, considering the importance of the issue, expansion and strengthening of good-neighborly relations and economic ties between PRC, Kyrgyzstan and Uzbekistan, consider it ex-

pedient to undertake all required research and pre-design work along all possible directions of the route...”

China, Kyrgyzstan and Uzbekistan signed a protocol on institutionalizing the work on the project in a trilateral format. Through creation of a joint working commission in April 1997, this protocol was created during a symposium called “New Transeuroasiatic Bridge” devoted to the construction of the China-Kyrgyzstan-Uzbekistan Railroad in Tashkent. Representatives of about twenty countries, international and regional financial organizations have also participated in this symposium; the commission was headed by Vice-Prime Ministers of Kyrgyzstan and Uzbekistan, and Deputy Minister for Railroads of China.

The first meeting of the joint working commission was held in Bishkek in November 1997. During the commission's early work, the parties were able to come to a common understanding about a number of issues. Although the main issue – the option for the passage of the future route remained unresolved. As a result, the parties decided to set up a trilateral joint expert working group. The task of the working group was to draft a preliminary technical and economic assessment along two directions – southern and northern options for the passage of the trunk-railway.

During the 1998-2000 timeframe, specialists from the three states actively studied northern and southern options by visiting the sites. Chinese and Uzbek sides suggested adopting the southern option through Irkeshtam check-point, while the Kyrgyz side favored the northern option through Torugart check-point.

The second meeting of the commission was held in 2001 in Beijing. At that time, the Chinese and Kyrgyz sides basically agreed on the northern optimized option through Torugart as the basis for construction. The Uzbek side, after failing to secure a favorable southern option, officially decided that it would take a neutral stand.

After the second meeting of the commission when fundamental differences among the parties on the itinerary for the passage of the route emerged again, the interest in the project on the part of Uzbekistan and later China gradually started fading away. Notwithstand-

ing numerous and desperate efforts of Bishkek to continue the project and make an attempt to bring together the two other sides, it did not work out. Experts from Uzbekistan stopped participating in working meetings and the work of the joint commission was forced into a bilateral format between Kyrgyzstan and China.

Chinese and Kyrgyz sides declared the completion of the work on the comprehensive study of the construction of the Chinese-Kyrgyz-Uzbek Railroad with the northern optimized option in December 2003 in Beijing.

No significant breakthroughs in advancement on this project have taken place since December 2003.

As the new President Bakiev came to power, attempts were made to reanimate the project. During his official visits to PRC and Uzbekistan in June and October 2006, Bakiev strove to enlist the support of the top Chinese and Uzbek leadership. However both Beijing and Tashkent did not speak unambiguously on this issue. In their joint statement as a result of President Bakiev's visit to China, the sides declared that they would continue the project. As a result of Bakiev's visit to Uzbekistan, the issue of the trilateral railroad partnership did not even make it to the final statement.

The main conclusion drawn by Chinese and Kyrgyz experts in the Comprehensive Report is that from a technical point of view construction of the Chinese-Kyrgyz-Uzbek Railroad along the northern optimized option is quite feasible. Notwithstanding a relief difficult to access, there are no insurmountable obstacles. The experts' conclusion was also based on the experience of Chinese railroad constructors, who, at that time, were speeding up construction of the Qinghai-Tibet Railroad (QTR), the highest-altitude and longest railroad in the world with a total mileage of 1,956 kilometers at a height of over 4,000 meters. Construction of QTR was successfully completed and the first train was launched on July 1, 2006. Mr. Sun Yunfu, the Deputy Minister for Railroads of China, who initially was the Co-Chairman of the joint commission on construction of the China-Kyrgyzstan-Uzbekistan Railroad, headed the QTR construction project.

Chinese and Kyrgyz experts identified the issue of funding as the main problem hindering forward movement in the Comprehensive Report. According to preliminary estimates the Kyrgyz section alone, with total mileage of approximately 250 kilometers, requires over one million U.S. dollars. Economic efficiency of the railroad was identified by the experts as the second problem. By the specialists' calculations, in order to both repay the investment in 10-15 years and operate the railroad at a profit, it is necessary to

allow no less than five million tons of freight per year. (By comparison, after more than 15 years of work, the volume of freightage through Druzhba-Alashankou, at the Kyrgyz-Chinese border, is barely approaching 10 million tons. Energy resources and ores of non-ferrous and ferrous metal make up the bulk of the freight).

Having completed the work on the Comprehensive Report and expressed the arguments in support of and against the project, the experts handed over the final decision to the political leadership of their states. However, a final coordinated decision on this project by the political leadership of the three states has not been made. China has the decisive vote in moving to implement the project.

Analysts from a number of states have expressed various opinions and operating assumptions regarding the existing obstacles and the prospects of the railroad coming to fruition. It could be seen in the positive interests of Beijing to strengthen and consolidate its position in Central Asia as well as bind itself to Uzbekistan and Kyrgyzstan through trunk-railroad construction. Though the Chinese leadership has a number of outstanding concerns. The decisive concern for Beijing is, probably, the instability of the political situation in these two Central Asian states. The Ferghana Valley hosts a number of unresolved, volatile problems in both domestic politics in Kyrgyzstan and Uzbekistan. With intergovernmental and regional significance, radical Islamists could gain momentum and unite with Xingjian separatists. These trends do not give Beijing an impetus to speed up this project without resolving these issues first.

In the context of making decisions on implementing such large projects, China proceeds from the standpoint of friendly relations with the political leadership in both Kyrgyzstan and Uzbekistan. However there are issues in this regard as well – periodically emerging disputes regarding the Kyrgyz-Chinese border in Kyrgyzstan and the mercurial quality of Uzbekistan's foreign policy. The Chinese leadership is not confident about the stability of the political situations in Kyrgyzstan and Uzbekistan. It is not interested in tying its explosive Xingjian to the unstable situation in the Central Asian states and risking changes in the foreign policy passions of local political elites.

According to a number of experts, the global war on terrorism waged by the U.S. beginning in 2001 also had a negative effect on the prospects of implementing this project. By the U.S. including Iran on the list of states that support terrorism and the recent emergence of the Iranian nuclear problem have made the transit of freight through Iran problematic. This backdrop makes the idea of the Chinese-Kyrgyz-Uzbek Railroad route for shorter access from



China to Europe and the Middle East questionable.

There are also quite well-founded doubts in the future competitiveness of the new railroad transport passage compared to the existing routes through Russia and Kazakhstan and to sea shipping as was noted above from the point of security, stability and reliability. Russia and Kazakhstan, as well as other states, which presently control these transport flows are not interested in implementation of this project. In fact, they will likely take various steps in order to hinder it or at a minimum, further decrease its investment attractiveness. Today, Russia is investing its own significant funds into improving the infrastructure of the Trans-Siberian Railroad by reducing freight rates and transit time through their territories as well as guaranteeing safety and the preservation of freight. In 2003 Kazakhstan announced a vast construction scheme for a Trans-Kazakh narrow-gauge line with the total mileage of several thousand kilometers which they were undertaking with significant capital expenditures.

Over ten states along the route from China to Europe and through the Middle East could become another important problem, creating insurmountable obstacles in the implementation of the project. It is necessary to coordinate a number of elements related to visas, systems of various permits, tariffs, and other issues connected with the transit of passengers and freight. Given the multi-directional domestic and foreign policy courses of the states involved, which are often contradictory and the presence of a significant number of intergovernmental problems at various levels, the coordination process could take decades. The recent delay with implementation of the Transport Corridor Europe-Caucasus-Asia project, a quadruple agreement between Pakistan, PRC, Kyrgyzstan and Kazakhstan (1996) on traffic highway service and a number of other regional transport projects with more than two states as parties, is illustrative of the potential for problems.

All of the abovementioned problematic aspects of constructing a new Transeuroasiatic transport corridor appear to be outside the borders of Kyrgyzstan. Meanwhile, even in a hypothetical situation whereby all of the issues could be resolved in a timely manner, which is unlikely according to experts, the most complicated problem is the internal situation. Domestic political instability and the uncertainty in the country, a generally weak economy and slow rates of socio-economic development plague the country. As a result, the investment appeal of this project is problematic for foreign investors. Obviously, it would have a significant domestic, socio-economic and international importance to Kyrgyzstan. However, the country lacks the internal financial reserves and independent

sources for railroad construction. This predicament implies only one option – foreign borrowing from those states and institutions which have purely political or strategic interests in this project other than economic.

At the present time, there is only one state which has openly stated that under certain terms it is ready to provide Kyrgyzstan with funds on a bilateral basis for the construction of the Kyrgyz section of the railroad: China. Beijing has not elaborated on the terms under which it is ready to provide funding. Bearing in mind China's interests and experience in Central Asia, it is likely that the terms will not be simple for Kyrgyzstan. At a minimum, they will demand from the Kyrgyz leadership a thorough and weighted study of all project scenarios and the political will in making the final decision. The hopes of the Kyrgyz leadership to implement this project within the stated regional economic cooperation of the Shanghai Cooperation Organization will unlikely materialize due to a mismatch in the economic approaches of the Russian Federation and PRC within the framework of the Organization. Plus as mentioned above, due to the competition of this trunk-railway with the Trans-Siberian and the Chinese-Kazakh railroads.

Taking into consideration the aforementioned slew of issues, the prospects of the Chinese-Kyrgyz-Uzbek trunk-railway are indefinite and bleak as it was originally envisioned at the beginning – constructing a new Transeuroasiatic railroad from Shanghai to Paris. With this projection, it sounds like utopia rather than reality. According to a number of experts, with the goal of minimizing the influence of externally unfavorable factors, it would be more feasible to view this project as regional, initially connecting PRC with Central Asia along the new northern route. However, even with this projection, implementation of the project will likely be possible only under complete political stability and security in Kyrgyzstan and Uzbekistan, and after establishing sustainable and mutually beneficial political and economic relations between PRC, Kyrgyzstan and Uzbekistan. Additionally, to entice China further, it would take the emergence of lucrative economic projects in Kyrgyzstan and Uzbekistan primarily in the mineral industry. Without resolving these lingering problems it is likely that we may celebrate many more “jubilees” of studies and discussions, not the real implementation of the construction of the Chinese-Kyrgyz-Uzbek Railroad.

## Unemployment of Youth in Kyrgyzstan: Particularities of the Problem and Possible Solutions

*The youth employment policy must be matched with the strategy of youth development and target programs, and also must be coordinated by financial, credit, and investment policies of state, as well as by sector-specific policies (agriculture, education, industry, and others). The starting point must be strategies for economic and social development.*

### **Anar Musabaeva, Expert of the Institute for Public Policy**

Labor represents a significant factor of production, and efficient usage of the work force is an integral factor in sustainable long-term economic growth and alleviation of poverty. Fifteen years since the unprecedented regime transformation, Kyrgyzstan continues to face a crisis in the sphere of employment, involving an extremely high level of unemployment and the inhibited development of a fully-operational labor market. These conditions form additional barriers for youth on the job market.

The current high level of unemployment contributes to the massive level of labor migration. Based on the existing data, approximately 30% of the economically-active population is working outside of the country, with young citizens constituting the majority of this percentage. Considering the demographic specificities of the country, with expected growth in the next decade of the proportion of the workforce made by up by young people, it is obvious that serious attention should be paid to the issue of youth employment.

To be effective, the state's youth employment policy should be differentiated and targeted on specific groups of the young population. It should combine proactive policy in the employment area with preventive measures that would improve employment opportunities for youth in the long-term.

### **Kyrgyzstan's labor market in the transitional period**

In the 1990s, serious political and economic changes dramatically influenced job markets in the former socialistic countries. During the transition period, both the supply of and the demand for labor changed. In Kyrgyzstan, official data shows that the able-bodied population increased by 12% (from 2613.7 thousand to 2922.7 thousand) from 1999 to 2004. The full employment that was typical of socialist times became history. For the last six years, supply on the job market has been advancing beyond demand by an average of 32% (National Employment Program until 2010). The economics of the country have undergone significant sectoral changes: industry has decreased, and new sectors have appeared, mainly in the service sector. Large numbers of people ended up not having jobs, which severely influenced the level of economic activity.

In Kyrgyzstan, many people who lost their jobs switched to the shadow and natural economies. Unemployment also led to intensive migration, both within the country (from the regions and villages to the capital) and emigration. The exact level of unemployment is unknown, but the scope and lingering nature of it are obvious without official figures.

It is worth stating that official employment figures do not reflect the real situation due to deficiencies in statistical methods, as well as some objective factors, including a large share of latent market activity and informal employment.

Registered unemployment stands at the level of 3.0-3.3 percent, although the general level of unemployment according to the National Employment Program makes up 9%. Meager allowances, from 250 to 700 soms per month, which only 15% of registered unemployed receive, do not serve as an incentive for all unemployed to register with employment services. In addition, the actual opportunities to find a job provided for citizens by employment services are highly limited, and do not instill much hope in job-hunters. The rate of youth unemployment based on official data stands at 10%. This number is widely recognized to be only the tip of the iceberg.

One peculiar feature of the current job market is the significant proportion of the population that is economically inactive (24%), the major part of which consists of people who have lost any hope to find a job as a result of long-term unemployment. The majority of registered unemployed have not worked for more than a year, i.e. they can be classified as long-term unemployed. Almost 60% of registered unemployed youth is made up of long-term unemployed, with a considerable number consisting of university graduates (14%). Overall, the job market is dominated by such movements as "employment-employment" or "unemployment-inactivity" rather than "unemployment-employment."

### **Particularities of youth segment of the job market in Kyrgyzstan**

Up until now, attention has mainly been paid to the phenomenon of unemployment in general. Although, youth unemployment doubtlessly reflects the general level of unemployment in the country and the state of the economy to a large extent, the specifics of the



youth job market, characterized by additional barriers for young, able-bodied citizens, predetermine the necessity of paying special attention to youth employment. Changes in the cumulative demand for labor and any macroeconomic changes particularly affect young people, especially those who are novices in the job market.

The problematic entry of youth into the job market advances poverty among this group, forces youth to switch to the informal sector, famous for its bad working conditions, health risks, and absence of social protection, as well as increases the chances of youth engaging in various antisocial activities.

The issue of youth employment is important because youth makes up a large segment of the job market structure, which currently entails a tendency towards growth of the labor supply. Persons younger than thirty-four years old make up 59.4% of the total labor force (2922.7 thousand people). The level of economic activity, especially in the 25-29 and 30-34 years age groups, is fairly high (90%), but level of employment in the country is generally lower, 64.3% in 2004. Based on the existing evidence the ratio of youth among total unemployed makes up more than half, about 53% (National statistics committee. Gender Relationship in the Kyrgyz Republic. 2005, pages 68-71.)

The youth job market is characterized by peculiarly high instability and a misbalance between demand and supply due to changes in the career goals of youth and a high level of diversity. Hence, about fifty thousands university graduates with various degrees enter the job market annually. Since the market is limited, the majority of graduates fail to find a job corresponding to their degree. Those who manage to find a job often work in an area different from their professional sphere. Hence retraining becomes the only chance for getting a job for a majority of graduates. This fact explains a large number of youth pursuing second degree.

It is worth noting that youth especially novice to the job market is not competitive since majority of employers prefer hiring staff with professional skills and relevant job experience. Unlike adults, youth has fewer opportunities for self-employment and opening

a business due to insufficient skills, financial resources and absence of mortgage for receiving a loan.

The growing number of young university graduates who end up among the ranks of the unemployed signifies a loss of investment and a waste of human resources for the state and society.

The decline of economic activity among the youth is justified to a certain extent by the fact that a portion moves to the black labor market. Another small part of the youth commits to the natural economy. The percent of unemployed youth in rural areas is very

high, since all opportunities are limited there except agriculture. There are no exact figures on unemployment rates among disabled youth, but it is easy to guess that this vulnerable subgroup falls under the long-term unemployed category.

Unemployment and low-paid jobs contribute to the fact that youth become victims of human trafficking more often than other population segments. In their attempts to work abroad, part of the youth uses the services of organized crime, dealing with human trafficking and jeopardizing their health and personal safety. Cases of enslavement are not rare.

The issue of youth unemployment is also fraught with increasing social problems such as violence, suicide, and drug abuse.

Among the positive changes of youth employment, one can list the emergence of young businessmen, bankers, and managers in the private and non-commercial sector. Young people are becoming increasingly involved in areas of new economic development— trade, communications, and the service sector. Unfortunately, the percentage of youth employed in the civil servant sphere is insignificant.

### The National Employment Program until 2010

The recently-adopted program “National Employment Policy of the Kyrgyz Republic until 2010” calls for a proactive approach to issues of regulating the job market. It outlines a fairly conventional set of objectives in the area of employment. In particular, it sets objectives for increasing the flexibility of the market and the mobility of the work force, for creating con-

**Currently one of the greatest challenges for the country is the integration of youth into the labor market. This category of the population should receive priority in the course of Program implementation. (From the Program “National Employment Policy of the Kyrgyz Republic until 2010.”)**

*Based on the data of a national survey conducted in Kyrgyzstan from March to April 2005, the highest priority issues in the country are those of unemployment and economic development. Correspondingly, the main problems that families are facing include finding a job and improving their financial well-being. (IRI, Baltic Surveys, The Gallup organization)*

**IRI, Baltic Surveys, The Gallup organization**

ditions for the development of entrepreneurship, and for improving the investment climate. Also addressed is the creation of adequate policy in the areas of professional training, development of the regions, and improvement of the quality of job placement services and the job market infrastructure.

Other changes foreseen include the implementation of paid community work, improvement of consultative and information services on the job market, and introduction of innovations to Labor Law aimed at increasing the flexibility of the job market and liberalizing temporary employment (short term contracts) from excessive regulation. The program also sets as a goal the building up of employment capacity in a range of economics sectors, including agriculture, oil and other energy resources, mountain and mining industries, and services such as construction, transportation, and tourism.

Youth is not mentioned frequently in the program, although youth employment is named as a priority issue. Foremost attention is directed toward the youth that are new to the job market and toward the most vulnerable groups of youth (orphans, disabled, refugees, etc.). The program envisages the opening of a youth labor registry office and an increase in the role of basic professional education.

The national employment program emphasizes the importance of organizing paid community work. This type of program is applied in different forms in many countries. It is probably worth considering to what extent the programs are efficient in terms of expenses and expected results. The practice in many countries of organizing public works has proved to be an expensive program that does not lead to a drastic reduction in unemployment. Nevertheless, such a program might serve as a short term tool for providing minimum income opportunities to the poorest groups. The particularities of community works programs must be contemplated prior to their prioritization as employment programs.

### Lessons to be learned

In order to increase the effectiveness of employment policy, it is necessary to learn lessons from situations past and present. Up until today, issues of youth employment have remained insufficiently integrated into general employment policy. In its turn, the national employment policy is still not clearly outlined in the strategic economic and social development of the country for the near future. Without it, it is difficult to forecast further economic development, and hence difficulty to forecast the dynamics of labor market development. In my opinion, it is important to pay attention to several factors and draw lessons from the current situation.

### *Study instead of labor*

In the past, the previous regime gave the “green light” to the establishment of numerous educational institutions in the country for several reasons. The principle was that higher education would give youth more chances for employment, that the quality of education would be regulated by the market, and that gradually weak and useless educational institutions would naturally disappear as a result of competition. Under conditions of massive unemployment, this undertaking also was meant to keep youth from “loafing in the streets” and to “keep them busy with studies.”

Thus, in terms of influencing the employment situation, education was a tool for prolonging the period before youth entered the job market. Certainly, the boom in higher education lowered tension in the labor market for some time. However, the results appear to be different from the ones intended. In the end, the massive graduation of specialists beyond the demand of the labor market has worsened the employment situation, since an integrated approach to employment policy, which should have been primarily based on the strategic economic development of the state, was not undertaken, analysis and forecasting of the situation on the labor market was not conducted, and appropriate actions were not taken.

### *Labor migration*

Another lesson for Kyrgyzstan must be taken from the massive emigration of the work force. The export of labor surplus is one method to solve unemployment, but at the expense of reducing the domestic supply of labor. Our country is not unique in this respect, since many countries have pragmatic approach towards the emigration of labor resources. Emigration eases social tension and provides apparent economic benefits in the form of money transfers. Several local analysts view this phenomenon as almost the only development strategy for Kyrgyzstan at the moment, because other sectors of economy are uncompetitive (E. Djamanbaev in talk show “Zloe Pero”, October 5, 2006). There is an opinion that migration benefits youth through providing work experience and skills, and thus they come back enriched. Such statement is probably only partially true about the youth of Kyrgyzstan: It is no secret that specialists with a university degree and technical education often leave the country, but there is a tendency for such high-skilled workers to emigrate for long periods of time, or forever. Additionally, the type of jobs in which our co-nationals work prevent us from making statements as to the gradual build up of the capacity of human resources.

Despite recognition of certain advantages of migration, it is pitiful that Kyrgyzstan has turned this tool



into some sort of panacea for the domestic labor market. Many analysts have turned their attention to the negative consequences of massive labor migration, especially regarding long-term prospects (E. Omarov. How to stop feeling of kyrgyzstani from Kyrgyzstan? Source: <http://www.tazar.kg/news.php?i=1584>). Sharing the opinion of these latter analysts, I would like to highlight the ways in which the stimulation of emigration without parallel state actions directed toward the resolution of domestic employment problems and overall development of the country produces serious negative consequences.

This issue concerns the labor market, development of the country, and national security. It seems not quite appropriate to justify the massive migration of able-bodied youth from Kyrgyzstan to the effect of exporting labor resources to other countries. One should not forget that Kyrgyzstan is not Turkey or Mexico, which can boast multimillion populations. It is important to have measures on protecting the rights of our citizens working in other countries and on creating a legislative framework for legal labor migration. The State Migration Committee and several public organizations are currently working on such measures. However, if no other counter actions are taken to improve the economic situation in the country, such a strategy will not help to overcome the crisis in the sphere employment, and could bring fairly negative consequences. It is extremely important to identify actions which would allow us, on the one hand, to make the most positive short-term outcome of labor migration, and, on the other hand, to create sustainable tendencies for decreasing emigration and creating more favorable conditions in the sphere of domestic employment in the long term. For instance, serious consideration should be given to strategies which would attract our co-nationals back home by providing chances to develop their own businesses, establishing tax privileges, providing access to loans, etc.

How to stop the "brain drain" represents another question. Since independence, Kyrgyzstan has already irrevocably lost thousands of qualified staff. It is even more disappointing that the urge for emigration is still strong among the most educated youth, including those who have earned degrees from American, European and other universities abroad. Opportunities for self-actualization are quite limited for them in the country. The irrational policy on human resources, market deficiencies, and a high level of corruption in society all serve to limit the opportunities for educated and talented youth. The majority of them work in a specific labor market, mainly in international organizations or local NGOs, funded by international donors. This labor market is very narrow (limited), demonstrates extreme instability, and is not always flexible or free from corruption. This image reflects a situation

in which the highly qualified part of the youth is not in demand in its own country or works in non-production areas.

The attempts of the Prime Minister of the Kyrgyz Republic to create a reserve of civil servants and recruit graduates of international educational programs has not produced the expected result. Possibly, the appeal itself is not enough, and more actions should be taken, in particular, setting attractive salaries, providing guarantees against arbitrary rotations during leadership changes, and opportunities for career growth. The questions on real reforms in public administration and formation of state bureaucracy, which have already been elaborated by several authors, are relevant as never before (K. Bekbolotov. On the way to perfect bureaucracy: future of public administration in Kyrgyzstan. Source: <http://www.ipp.kg>).

### Options to solve youth unemployment problems

The youth employment policy must be matched with the strategy of youth development and target programs, and also must be coordinated by financial, credit, and investment policies of state, as well as by sector-specific policies (agriculture, education, industry, and others). The starting point must be strategies for economic and social development.

Employment programs are usually either directed towards decreasing the supply of labor, or stimulating the demand of labor market (an increase in work places).

World experience in programs directed towards stimulating demand for labor includes the identification and development of sectors which have the potential to grow in accordance with the competitive advantages of the country, as well as a set of fiscal, investment, and credit programs directed to support such sectors. Also included are such programs as the construction of roads and infrastructure to integrate isolated parts of economy, subsidies or tax privileges for employers who set quotes for youth newly entering labor market or youth with limited physical abilities.

There are also programs that assist in the provision of headhunting services between potential employers and employees via information and consulting services, career guidance, and trainings. Usually, such services are provided by labor-registry offices or various forms of placement services.

It is necessary to mention that in the youth component of the national employment policy of the Kyrgyz

**.....it is necessary to formulate differentiated policy and implement various programs targeted towards various categories.**

Republic the stress is put on creating and strengthening youth labor-registry offices. Of course, it is an important aspect of the employment program, which needs development and improvement. However, since labor-registry offices play the role of middleman in the labor market and are aimed to neutralize market failures, one must not expect that labor-registry offices are able to influence strongly the general situation in the youth labor market under the condition that workplaces are not created. It is important to combine these methods with other instruments, primarily with economic and other preventive actions in terms of improving the quality of professional education and strengthening its ties with the market.

All employment programs have pluses and minuses, and while choosing a strategy, one must make a cost-benefit analysis. In my opinion, in order to implement a more effective youth employment policy, it is necessary to formulate differentiated policy and implement various programs targeted towards various categories. For example, a separate approach must be practiced towards the most educated and qualified part of the youth by creating the most favorable conditions for employment in the public sector or for opening a private business. Possibly, youth with limited physical abilities needs a more socially-oriented approach and state regulation, whereas rural youth require encouragement toward self-employment and the development of small entrepreneurship via access to credits and stimulation of economic activities in the regions.

Educational policy, which is in fact the most effective in terms of preventive actions on improving employment opportunities, must be reformed. Here, it is important not to rush from one extreme to another. Lately, the issue has been often raised on improving professional and technical education, which has been destroyed throughout the period of independence. However, while planning a development strategy for elementary and middle professional education, one must take into account the tremendous changes that the structure of economy has undergone. Therefore, there is a need for a rational approach to the preparation of certain specializations.

### Conclusion

The situation in the sphere of employment arouses great concerns. While making up 60% of the labor force, youth (a category that includes those under 34 years are facing tremendous challenges and additional barriers in the labor market, especially those who are entering it for the first time. Lingering unemployment in the country, a decline in employment level together with a simultaneous increase in the able bodied work force, and an increase in the inactive part of the population (including those among the youth) require radi-

cal actions on improving the employment situation.

At this stage, the government is focusing on exporting the labor force as a basic tool to ease the tension in the internal job market, though many analysts draw attention to the negative consequences of mass emigration. If not accompanied by a set of other efforts, migration will not only fail to solve the problem of economic growth, but will lead to a mass of negative consequences in the economy and social sector in the long term.

### Recommendations

The solution to issues of youth employment starts with the macroeconomic situation, which must be directed towards creating conditions for the development of a national labor market, retaining current work places, and creating new ones for the citizens to perform economic activities.

It is necessary to put efforts into coordinating tax policy and establishing favorable conditions for investors and employers to create new work places. There is a need for mechanisms in trade and exportation, attracting direct investments, developing small and medium business, family business, and agriculture. The coordination of employment policy and sectoral policy is significant.

Taking into account the low ability of the labor market to absorb graduates, reforms in education must result in the preparation of competitive a labor force in synchrony with demand. There is also a need to encourage career development centers in universities and youth employment centers.

Taking into account the limited capacity of the budget and tremendous external debt, it is necessary to stimulate the mobility of labor force, introduce amendments in the taxation of salaries, and encourage self-employment. Integration of the black market, or informal economy, into the legitimate economy is another big objective.

In order to be effective, youth employment policy must be differentiated and targeted towards certain segments of the youth. Special attention must be given to the youth who are newly entering labor market.

It is necessary to direct international organizations to implement projects which would expand the opportunities for youth employment in the domestic job market via credit programs, community development programs, and development of opportunities for youth entrepreneurship.

Additionally, the situation in the labor market must be seriously researched and monitored. It is necessary to inform the public on general practical steps directed towards the solution of problems in the youth labor market and contribution to interrelations between the state and civil structures working on youth issues.



Aleksey Malashenko:

*"A Dialogue with Islamists is Inevitable for Central Asian States"*

***Struggle against terrorism and religious extremism has lately become a topical issue in Kyrgyzstan, in light of series of special operations of law enforcement agencies in the south of the country. Several alleged militants as well as Imam from the Karasuu Mosque were killed during these operations. On this topic the IPP has interviewed Dr. Aleksey Malashenko, Scholar-in-Residence at the Carnegie Moscow Center, and a well-known specialist on Islam in post-soviet states.***

**IPP:** *Dr. Malashenko, the Kyrgyz Security Forces have recently intensified their struggle against religious extremism in southern Kyrgyzstan. In your opinion, how realistic is the threat of religious extremism in Central Asia, and particularly in Kyrgyzstan?*

**Dr. Aleksey Malashenko:** Such a threat is realistic. Religious extremism is a reactive form of expressing oneself against unsuccessful state policies, state corruption and the general despair of a nation and its population. Islamists have always been popular in these areas, where a secular opposition does not exist. In this respect, the threat of religious extremism is higher in Uzbekistan than in Kyrgyzstan.

These Islamist forces are not able to cause a kind of "Green Revolution" single-handedly. In crises situations provoked by other domestic (and international) forces, these religious extremists would be fish in water, supporting certain groups while at the same time, promoting their own strategies.

The Islamists' slogans could be easily used both by absolutely secular people and by manipulators and imams intent on leading the masses to Islamic causes. These sorts of things have already taken place inside and outside Kyrgyzstan.

**IPP:** *According to the former Chairman of the National Security Service, Busurmankul Tabaldiev, religious extremists had declared jihad against Kyrgyz law enforcement agencies after its series of special operations. Should we expect a long-term escalation of conflict?*

**Dr. Aleksey Malashenko:** We will see. A declaration of jihad against law enforcement agencies is well known among authorities in the Russian Northern Caucasus. It has been continuing in the Caucasus for quite a long time, with occasional success.

I do not think that Hizb-ut-Tahir, or any other religious groups in Kyrgyzstan, have such authority. God save us from them acquiring such power. In my opinion, such claims are rather declarations of one's intentions. Takhir Yuldashev has also declared a "war" against all Central Asian Presidents.

Yet, states must not ignore such declarations. National authorities must pay great attention to local news and be ready for anything. Things may start anywhere, be it Uzbekistan or Afghanistan, and easily spill over to neighboring countries. One should keep in mind that not only 'anti-terrorists,' but also terrorists themselves are capable of cooperation.

**IPP:** *How would you assess the current counterterrorism and counter-extremism policies of Kyrgyz authorities?*

**Dr. Aleksey Malashenko:** The Kyrgyz authorities use banal policies, reminiscent of the policies employed in neighboring countries. Since I personally have had an opportunity to indirectly participate in one of these anti-terrorist operations, I can testify that the majority of the time, these operations target people who do not have any relations to terrorism, but quite on the contrary, are fighting terrorism themselves.

On the other hand, recently there have been no excesses related with religious extremism in Kyrgyzstan. This gives law enforcement agencies grounds to claim their operations successful.

**IPP:** *Then how must this policy must be improved to be more effective at minimizing religious tension while reducing the influence of radical movements in Kyrgyzstan?*

**Dr. Aleksey Malashenko:** I think the main tactic should be a "Carrot and Stick" policy. It is necessary to communicate to Islamists willing to talk, even with radical religious groups. The main thing to do is to not provoke people to ascend the "extremism ladder". People are not born as terrorists. In many respects, terrorism is often provoked by the policies of national authorities.

**IPP:** *To what extent does the social situation in Kyrgyzstan predispose a further escalation in confrontation between the religious minority (or majority) and the national authorities of Kyrgyzstan?*

**Dr. Aleksey Malashenko:** The tension may only arise if the whole social situation gets much worse. In the event of a conflict, any political party would find its proper role. Neither Hizb-ut-Tahir, nor any other groups

would be able to do this on their own. They may be able to organize two or three serious meetings, yet only at the local level. People are tired of political tension. But then again, let me reiterate that everything depends mainly on the position and policies of the national authorities.

**IPP:** *What about any external influences on the social situation in Kyrgyzstan?*

**Dr. Aleksey Malashenko:** First of all, one could only expect external influences to affect Kyrgyzstan if the society is primed for that. An Arab-style Islamic fundamentalism or any other religious fundamentalism will only prosper locally if the population is antagonized by economic and social failures by the state. In Kyrgyzstan, such preconditions do exist. Yet, at the same time, I believe that the society still hopes to be able to overcome these challenges independently.

There are not many foreign religious fundamental-

ists operating within Kyrgyzstan. Regarding graduates from foreign, religious universities who imported other variations of Islam to Kyrgyzstan, for the time being, their target groups are limited.

**IPP:** *How would you assess the fears of impending radical Islamist rule in Uzbekistan, as domestic power struggles continue to grow? What would be their impact be on Kyrgyzstan?*

**Dr. Aleksey Malashenko:** They will not be able to come to power; however, they could certainly participate in various political coalitions. Similar instances have taken place in many Muslim countries, from Tajikistan to Yemen, Malaysia, and even to Turkey. If one were to assume that the Central Asian States are within the Islamic sphere of influence, which indeed they are, then a dialogue with varying degrees of Islamism must be recognized as a part of the political process. We must not discount the potential of some moderate Islamists to become elected members to government.

## FORGING BROKEN LINKS: UZBEKS AND THE STATE IN KYRGYZSTAN

*Officially comprising 13% of Kyrgyzstan's overall population of 5 million people, Uzbeks are the country's largest ethnic minority group. The strategy towards the Uzbeks will be important for ensuring Bishkek's interests not only in Kyrgyzstan, but also within Central Asia. That is, Bishkek's response to minority problems will set an important precedent and model for how governments can respond to the increasing presence of politically mobilized groups and their demands throughout the region.*

**Alisher Khamidov, PhD Candidate, Johns Hopkins University, U.S.A.**

### Introduction

On May 27, 2006, ethnic Uzbeks held a political rally in the southern town of Jalalabad. The rally participants demanded a more proportionate representation of ethnic minorities in various spheres of economy and political life. The rally delegates, who came from all over Osh and Jalalabad provinces, urged authorities to designate Uzbek as an official countrywide language and expressly include more Uzbeks in judiciary, legislative and law-enforcement functions. They also demanded state support for cultural and educational programs for Uzbeks.

The Jalalabad protest, which drew an estimated 700 participants, marked a radical turn for Uzbek community leaders in their efforts to be heard in Bishkek. Uzbek rights activists had in recent years limited their activities largely to the drafting of resolutions and petitions. A congress of Uzbeks held in January, for example, adopted an appeal to President Kurmanbek Bakiev to adopt "a clear policy stance" on minority rights issues.

The Jalalabad protest was the first time Uzbeks took their grievances to the streets since inter-ethnic clashes

rocked southern Kyrgyzstan in 1990. It also showed that Uzbek community leaders are now embracing more confrontational tactics, a shift that heightens the risk of inter-ethnic discord in southern Kyrgyzstan, where Uzbeks make up a significant share of the population.

A timely military parade by border guards in Jalalabad's main square ahead of the Uzbek protest was in fact a show of strength designed to prevent escalation of ethnic riots. Two days later, security forces dispersed a counter-protest staged by 60 Kyrgyz youths.

That ethnic Uzbeks in Kyrgyzstan are intensifying efforts to expand their political and cultural rights is clear. What is less clear, however, is why Uzbeks have decided to act more purposefully now. During the regime of former President Akaev, Uzbeks proved to be a loyal force behind the executive power. Government authorities also used Uzbek community influence during parliamentary and local elections.

This paper addresses the question by examining the



turbulent relationship between the state and Uzbeks in Kyrgyzstan. The first part looks at the Uzbek community, its concerns, its leaders, and political actions. The second part explores state responses toward the Uzbeks. Finally, it offers a set of policy recommendations to address current challenges and rising ethnic tensions.

### A House of Discord: Uzbek actors and organizations

Officially comprising 13% of Kyrgyzstan's overall population of 5 million people, Uzbeks are the country's largest ethnic minority group. According to unofficial Uzbek estimates, they comprise 20% of the population. Most Uzbeks live in the southern regions of Osh and Jalalabad.

Despite their numbers, Uzbeks have yet to voice a defining set of policy goals,

or mobilize around a single Uzbek leader. Kyrgyzstan is home to several organizations established to promote Uzbek interests: the National-Cultural Centre (O'zbek Milliy Madaniyat Markazi), the Osh Society of Uzbeks (O'zbeklar Jamiyati), Jalal-Abad Society of Uzbeks and a number of newly formed associations such as "Davr," "Sarbon," and "Uzbeks of Kyrgyzstan."

The National-Cultural Center, headed by Muhamedjan Mamasaidov, a Member of Parliament (MP), is the Uzbek community's official voice in Kyrgyzstan. It is also the elder of all the other groups as it was established in September 1990 following the June clashes in Osh and Uzgen. It is structured along regional lines (there are branches in Osh, Jalalabad, Batken, and Chui provinces) and the association is coordinated at a national level in Bishkek. Along with other ethnic associations, it is represented in the Assembly of the People of Kyrgyzstan.

The Osh Society of Uzbeks was founded in 1996-97 by the Osh-based businessman and MP Davron Sabirov following his personal discord with the leadership of the Uzbek National Center. Two issues precipitated the split. Sabirov argued that the Uzbek National Center was co-opted by the central authorities in Bishkek. He had also supported the shift to the Latin alphabet following Uzbekistan, whereas other Uzbek leaders saw this as a pro-Uzbekistani and therefore a destabilizing maneuver. Senior leaders of the organization feared these moves would threaten government support and endanger the policy of inter-ethnic stability.

The Jalalabad Society began as a branch of the Uzbek National Center. However, in later years, it became an independent association. Kadyrjan Batyrov, a wealthy businessman with vast economic interests, is the formal leader of the organization. In recent years,

the Society has acted as the most vocal representative of the broader Uzbek community. For example, the organization holds annual conferences of ethnic Uzbeks. In fact, it was the Society that organized the May 2006 rally of the Uzbeks.

Davr (epoch) was formed in September 2006 in the southern town of Mailuusuu. Davr representatives describe their primary aim as promoting government policies and working for greater harmony among ethnic groups. However, some observers allege that Davr has been conceived by Bishkek as a counterweight to an existing group, the Jalalabad Society of Uzbeks, whose views are not to the government's liking.

**Despite their numbers, Uzbeks have yet to voice a defining set of policy goals, or mobilize around a single Uzbek leader**

**Perhaps not surprising given the diverse nature of its components, relations within the Uzbek organizations have long been chaotic at best and confrontational at worst.**

In addition to these formal groups, a number of informal Uzbek youth organizations have emerged in recent years. Among them are the Sarbon and the Uzbeks of Kyrgyzstan. Sarbon was founded in Spring 2006 by Davron Sabirov. The Uzbeks of Kyrgyzstan was founded in 2004 by a group of ethnic Uzbek students.

Perhaps not surprising given the diverse nature of its components, relations within the Uzbek organizations have long been chaotic at best and confrontational at worst. While vocally agreeing on some basic issues, leaders have been divided in their political demands and ways to achieve them.

This can be explained by a set of geographical, ideological, professional and generational differences. While an increasing number of young Uzbeks are becoming prominent within the Uzbek community, the vast majority of leaders are representatives of the older generation, which preserve some of the values and ideals of the Soviet past. Another essential factor in fostering differences among Uzbeks is the geographic division. The Jalalabad-Uzbek leaders are more assertive and confrontational in pursuing Uzbek demands, while Osh-based leaders, who witnessed the 1990 interethnic riot, tend to be more moderate.

The platforms of Uzbek organizations vary, but they all share a desire to have greater influence in representing the Uzbek community. On political issues, there is broad agreement that there is a need for more proportionate representation of the Uzbeks and other ethnic minorities in various economic and political spheres. They all want the Kyrgyz authorities to expressly include more Uzbeks in judiciary, legislative and law-enforce-

ment functions. They are also demanding state support for Uzbek cultural and educational programs.

Despite agreeing on general political strategy, Uzbek organizations have sharp differences on tactics concerning key issues, including language rights and Uzbek education. Some leaders steadfastly oppose drastic demands such as recognition of Uzbek as an official language, while others, including Jalal-Abad Society and Osh Society, feel that obtaining official status for the language and promotion of Uzbek education are essential to the Uzbek community.

Geopolitically, there are likewise both similarities and differences of opinion. While some segments see Uzbekistan as a vital protector of Uzbek interests, others consider international community's role to be indispensable. Following Uzbekistan's harsh border policies and the violent crackdown on religious dissent, many Uzbeks feel alienated from the Uzbekistani leadership. In recent years, Uzbek community leaders have turned more and more to international actors including the OSCE's High Commissioner for National Minorities.

Sources of funding for Uzbek associations vary. Some of them rely on grants from international NGOs and private donors. But nearly all these associations rely predominantly on the personal resources of their individual leaders and their vast patronage networks. Uzbek organizations also gain financial support from various fundraising events in their constituencies and from influential allies in the business elite.

### Long-standing demands revisited

There are several reasons that explain why there is growing Uzbek agitation for civil rights. Some observers see a link between Uzbek complaints and a struggle over economic assets unleashed by the March 2005 revolution. In keeping with this view, the Uzbek elite is using discrimination rhetoric to protect their property, which has been endangered by expanding redistribution of property that started after the revolution. In this regard, many observers point to Kadyrjan Batyrov. According to local observers, Batyrov organized a rally of Jalal-Abad Uzbeks on May 27th because some of his economic assets have been under threat. Several of Batyrov's properties are occupied by rural dwellers from nearby Kyrgyz villages.

While economic factors do play a role, government's unresponsiveness to Uzbek concerns is a more important factor that is fomenting frustration in the Uzbek community. In the view of many Uzbek representatives, the March 2005 revolution did not bring positive changes for their community. Many evoke President Askar Akayev's period, characterized by his policy called "Kyrgyzstan is our Common House." During the Akaev period, the Uzbeks also used the People's Assembly, a

formal association of ethnic minorities to represent their interests. Now the People's Assembly has lost much of its former influence. For example, prominent Uzbek leaders were denied permission to speak about their problems at the August 5th meeting of the People's Assembly in Bishkek.

Growing Uzbek restlessness is also linked with the breakdown of informal channels of communication between Kyrgyz government officials and Uzbek community leaders. Several Uzbek leaders such as Muhamedjan Mamasaidov, Kadyr Batyrov and a few others maintained personal ties with Akaev. Following the March revolution, however, no Uzbek leader has a strong relationship with Bakiev. Among the few Uzbeks who are in Kyrgyz government is Sherkozi Mirzakarimov, Deputy Minister for Internal Affairs. Anvar Artykov, an ethnic Uzbek who was Bakiev's ally during the revolution, was dismissed in early December as the governor of the Osh region, and became an opposition activist.

Artykov is probably the only Uzbek leader who joined the opposition movement. Uzbek elites steer clear of the opposition. At present, the Uzbeks are wary of the growing influence of Kyrgyz nationalists in politics and in the opposition movement. Nationalist sentiment is arising out of the frustration generated by the country's stagnant economic conditions. Some leading members of the Kyrgyz opposition movement have expressed distrust of Kyrgyzstan's Uzbek population.

Fear of opposition leaders prompted several Uzbek community leaders to join the pro-presidential movement "Alga, Kyrgyzstan!" (Forward, Kyrgyzstan!), in 2004. Their action was meant not only to protect the status of Uzbeks, but, also, to protect whatever economic gains made by the Uzbek community during Akaev's tenure. As many Uzbek community representatives saw it, political change could pose a threat to their economic livelihood. According to one Uzbek entrepreneur, "If new people come to power, they will start extorting money from us, and [the cycle of] corruption will start all over again." These fears turned out to be not unfounded.

**While economic factors do play a role, government's unresponsiveness to Uzbek concerns is a more important factor that is fomenting frustration in the Uzbek community.**

The prospect of joining the broader opposition movement continues to cause heated debates within the Uzbek organizations. For example, the Uzbeks of Kyrgyzstan, has argued in its official statements that Uzbek leaders have hurt their cause through their inability to forge strong links with an opposition coalition. Meanwhile, other organizations such as the Society of Uzbeks



and National Center continue to insist that the Uzbeks have to maintain neutrality.

## Part II. Bakiev Administration and the Uzbeks

During the Akaev period, the Kyrgyz authorities created an informal pact allowing various ethnic groups in Kyrgyzstan to establish informal spheres of influence in various economic and civil service sectors. For example, the Kyrgyz predominate in government and law-enforcement bodies, while Uzbeks are prominent in commerce in southern provinces, ethnic Uighurs are active in trade with China, and Dungans are prominent in agriculture.

Authorities appear reluctant to challenge this informal distribution of sectors. Top Kyrgyz officials fear that granting more rights to Uzbeks would lead to further demands, including claims for autonomy and secession to Uzbekistan. These fears have driven Kyrgyz policy since ethnic rioting occurred in 1990. In 1999, a group of Kyrgyz legislators advocated for a bill that would forbid the recruitment of ethnic Uzbeks into the Kyrgyzstani army. Some observers alleged that the government had tried to scuttle Uzbek solidarity since the mid-1990s, when the Uzbek National Cultural Center split into two separate organizations.

Since coming to power in March 2005, the Bakiev administration has sought to stake out a neutral position on minority rights-related issues. But Bakiev has made a number of positive statements recognizing the importance of the “national question,” and in December 2005 he agreed to serve as chairman of the Kyrgyzstan Assembly of Peoples, viewed as an astute move.

These statements notwithstanding, Bakiev has not demonstrated a desire to act on the specific requests being aired by Uzbeks. In July 2006 meeting with Parliament members, Bakiev sternly criticized Kadyrjan Batyrov and some other Uzbek leaders for their activities that agitated Uzbek community.

In response, Batyrov and other Uzbek activists argued that officials have engaged in activities designed to snuff out Uzbek agitation for expanded civil rights, including recognition of Uzbek as a state language. To support this view, they pointed to the case against Mamatkadyr Karabaev, who led a May 27th rally in Jalalabad calling for Uzbek language rights. Shortly after the rally, Karabaev was arrested, and on August 2nd, he received a seven-year suspended sentence after being found guilty of fraud and falsification of official documents. Karabaev insisted in an interview with the Ferghana.ru web site that the case against him was “fabricated.”

**Elements of Bakiev’s political support base, namely Kyrgyz nationalists, are steadfast opponents of Uzbek demands, in particular the effort to declare Uzbek as an official state language.**

Several reasons explain Bakiev’s reluctance to tackle Uzbek problems. Elements of Bakiev’s political support base, namely Kyrgyz nationalists, are steadfast opponents of Uzbek demands, in particular the effort to declare Uzbek as an official state language. Nationalists believe that recognition of Uzbek could end up being the precursor of a campaign for Uzbek autonomy. Given Bakiev’s current political difficulties in Bishkek, he is unlikely to do anything to risk alienating his core supporters.

More importantly, the authorities at present lack the political will to tackle inter-ethnic issues, as politicians’ attention have been fixed on Bishkek, the scene of an emerging power struggle between President Kurmanbek Bakiev’s Administration and Parliament.

### What are the negative impacts of this policy?

The government’s reluctance to address the inter-ethnic issue may have a number of negative implications. In the worst-case scenario, it may lead to destabilization in southern Kyrgyzstan. A fight or a localized riot can erupt into a full conflict and the Kyrgyz and Uzbek elites may not be able to control unruly masses of rioters. Several events in 2006 have revived concerns about the potential for inter-ethnic clashes. A January 31st brawl between Kyrgyz and Dungan teenagers in the village of Iskra, about 45 miles (70 kilometers) from the Kyrgyz capital Bishkek, precipitated a broader inter-ethnic clash. Another troubling episode occurred January 12th near the Uzbek enclave of Sokh, which is surrounded by Kyrgyzstan’s Batken Province. Some Tajiks reportedly beat up two Kyrgyz citizens. The next day roughly 150 residents of the Kyrgyz village Sogment gathered, intending to retaliate. A potentially more serious incident was averted largely through the mediation efforts of some local NGOs.

A less dangerous scenario is that Uzbek groups will consolidate their ranks and may join broader opposition forces. For example, several Uzbek organizations pledged to unite forces at a September 17th meeting in Osh. Following the May 27th rally, a number of Uzbek activists called on their leaders to join the broader opposition movement.

### Forging the Links: Policy Recommendations

Given the potential for destabilization, the official Bishkek must develop a response to growing demands of the Uzbeks. At this time, however, Bishkek does not have a coherent policy towards either the Uzbeks or other ethnic minority groups. The Bakiev administration must therefore develop a plan of action. This policy, though, may

have wider implications.

The strategy towards the Uzbeks will be important for ensuring Bishkek's interests not only in Kyrgyzstan, but also within Central Asia. That is, Bishkek's response to minority problems will set an important precedent and model for how governments can respond to the increasing presence of politically mobilized groups and their demands throughout the region.

In order to craft a well-informed and effective policy toward Uzbeks, it is important that the authorities put aside some misleading assumptions about Uzbeks. In particular, the Bakiev administration should stop viewing Uzbeks with suspicion. Many Uzbeks, especially from a new generation, are proud that they are citizens of a country that allows democratic and economic freedoms. Comparing their lot with their co-ethnics in Uzbekistan, the Uzbeks feel that they are much better off. The Uzbeks have long demonstrated their loyalty to the executive power. More importantly, official suspicion of the Uzbeks did not prevent many Kyrgyz politicians to court the Uzbeks during elections. Both Akaev and Bakiev have received enormous Uzbek backing during presidential elections.

Bishkek must accept the fact that Uzbeks have become a significant economic and political force. Constituting 20% of general population, many Uzbeks are prominent in trade and commerce in southern regions. The Bakiev administration can tap into the resources and political clout of the Uzbek community. There are several other crucial ways to improve current policy.

### **Explore Options for Involving Uzbeks in the Political Process**

Recent Uzbek agitation for civil rights is the result of the denial of their right to

participate in political discourse. Elsewhere in the world, the general lesson appears to be that while exclusion of ethnic minority groups from political process leads to violence, inclusion leads them to moderate. Principled support of democracy and human rights, in this regard, is key to moderating radical voices within Uzbek community. The option of political engagement has persuasive historical evidence.

The Bakiev administration must work hard to give the Uzbeks and other ethnic minority representatives a strong sense of belonging and ownership in the country. There have been some positive steps in this regard. For example, the inclusion of one hour of Uzbek language broadcasting in the Kyrgyz National TV programming delighted many Uzbeks, residents of the South.

Despite its usefulness, the theme "Kyrgyzstan is Our Common House" has been disregarded. In addition to various measures to enhance Uzbek participation in political

and economic life, a new theme that builds on civic notion of nationhood which emphasizes the constitutional provision "Kyrgyzstan is for all Kyrgyzstanis" should be considered by authorities.

The Kyrgyz authorities should also work to restore informal mechanisms and lines of communication with formal and informal Uzbek leaders. An internal power struggle is now building up in Uzbek community. Many of those recognized as community leaders during the Akayev administration are now facing challenges from new Uzbek figures who maintain close ties with the Bakiev administration. Despite this, current Uzbek leaders continue to possess a lot of political influence because of their vast economic resources.

Bakiev administration should commit itself to maintaining a neutral position in relations with various Uzbek associations. In recent weeks, the allegations that the Bakiev administration has been fostering Davr as a counterweight to Jalal-Abad society appeared in the local press. Such allegations, if credible, can alienate other Uzbek organizations and undercut support for government initiatives.

### **The Bakiev administration should involve ethnic Uzbeks more fully in the government, judiciary and law-enforcement structures.**

Constituting a large portion of the population, the Uzbeks are concerned about their status. Currently, there are practically no Uzbek judges and prosecutors in South Kyrgyzstan, the fact that causes resentment of many Uzbeks. The first step would be to appoint several ethnic Uzbek judges and prosecutors in Osh and Jalalbad. The second step is to consider appointing an ethnic Uzbek representative to full ministerial position."

### **Continue state support for cultural and educational programs.**

One of Kyrgyzstan's outstanding accomplishments is the existence of cultural centers, a theater, and numerous high schools and a university with Uzbek language instruction. The authorities should continue to support these entities. Many Uzbek schools experience shortages of textbooks in Uzbek. The authorities should cooperate with Uzbek associations in setting up a community fund to address this problem. This involvement will increase public approval of the authorities.

### **Support Civil Society and Democratic Institutions**

The lack of a viable outlet for legitimate civic expression and for securing practical change through democratic channels meant that ethnic Uzbeks predominate in banned Islamic groups such as Hizb-ut-Tahrir. According to some estimates, more than 90% of HT members are ethnic Uzbeks. Interview with the party's new recruits reveal that



they join because they feel they are largely underrepresented in political and economic spheres.

In partnership with local organizations, government agencies can help direct the activities of civil society groups to address better the needs and interests of marginalized segments of the community. The contribution of international grant-making institutions in

fostering grassroots mobilization of underrepresented groups is indispensable.

### Conclusion

Historically, Kyrgyz leaders have prevented ethnic violence largely through policies that promoted free market and land ownership in order to diffuse the possibility of

confrontation. They also overtly appealed to ethnic minorities.

Authorities also moved to make pacts with the regional elite including ethnic Uzbek leaders. However, the increasing concentration of economic and political power in Bishkek, combined with ongoing clashes between authorities and regional camps, weaken these outreach efforts. Neglecting ethnic problems can have a number of destabilizing implications not only for Kyrgyzstan but also for the entire region.

The Bakiev Administration has an opportunity to forge stronger links with the Uzbeks. Such an endeavor requires political will and a commitment to give Uzbeks a stake in how the government is run.

## Roundtable summary

### ON THE CURRENT POLITICAL SITUATION

On September 14, 2006, the Institute for Public Policy hosted a roundtable discussion on the current political situation in Kyrgyzstan. The discussion was initiated in light of the growing tension between the President and the Parliament after an incident with former Parliament Speaker Omurbek Tekebaev in Warsaw involving narcotics, and the alleged involvement of the younger brother of the President, former deputy chief of the National Security Council, Janybek Bakiev.

For a discussion of the causes, nature and future of the autumn political tension, the IPP invited the program director of the Development Programs Support Foundation and former adviser to the President, Valentin Bogatyrev, director of the Center for Political and Legal Research, Tamerlan Ibraimov, Director of the Kyrgyzstan office of the Institute for War and Peace Reporting, Kumar Bekbolotov, and others.

In his introductory speech, President of the Institute for Public Policy Muratbek Imanaliev, who chaired the discussion, noted that it was expected that Parliament alone would start the new political season, since political parties and public organizations are not able to set the political agenda for the new political year. Nevertheless, "затравка" turned out to be very unusual, which predetermined an unusually high level of political tension. Many MPs began openly demanding the resignation of the tandem of Bakiev and Kulov. The question that remains open is to what extent the incident will impact the further political life in the country.

Valentin Bogatyrev noted that the events of this fall represent a third wave of political tension in Kyrgyzstan after March 24, 2005. The first wave took place in the autumn-winter of last year, when "Parlia-

ment decided that it will play the major role if the President does not know what to say." This wave ended with the resignation of the Speaker of Parliament, Omurbek Tekebaev. The second wave was related to the series of protest meetings in spring 2006 and the attempt to organize a mass public movement to place more effective pressure on the President. Apparently, this wave ended with the dismissal of several top-level allies of President Bakiev and the murder of Ryspek Akmatbaev in May 2006.

The scandal with narcotics has provided opposition MPs with yet another chance to get the President under control, and moreover, to speed up the process of moving towards a Parliamentary republic if the involvement of the President's brother is proved. However, certain authorities have chosen another scenario, and will apparently find sufficient arguments to prove their innocence, according to analysts. They will likely try to increase the number of loyal MPs in the Parliament, and to restore their reputation among the population. As roundtable participants noted however, in any case the primary victims of the scandal have been Bakiev and Tekebaev, whose reputations suffered much.

Such waves – efforts to intensify political passions – will continue in the future (manifesting themselves in the debates over constitutional reforms, economic outcomes over the year, etc.) Why do such waves continue to happen without bringing any concrete results? Participants of the discussion argued that the major reason is that neither the authorities nor the opposition have ideas for development. Just as it was under Akaev, the "oppositionness" of political opposition is based not on an alternative vision of policies, but on the non-acceptance of the President

and his team. Property redistribution favoring the “new people in power” and hurting the vital interests of many opposition politicians and a negative atmosphere in the business environment are also among the important causes of regular waves of political confrontation.

An important implication of the scandal with “mareshka,” as well as of all previous political confrontations, is the growing dissatisfaction of population

with politics and politicians. In the long run, this dissatisfaction may play quite a positive role, as the devaluation of political developments should positively influence the economic development. This is especially important today, as Kyrgyzstan, possessing no oil, gas or other resources for development, faces an urgent need to find its proper niche in the world market.

### HOW TO CONSTRUCT AN INDEPENDENT JUDICIARY: VARIOUS OPTIONS

*It is worth noting that the specificities of our country predetermine our choice of mechanism for appointing judges. In other words, we need a method which would bring the needed results, be it African, Asian or Western European. We have neither liberal and democratic traditions, nor particular wisdom and integrity among our rulers. The only path is to try to create an optimal institutional model based on democratic values.*

#### **Tamerlan Ibraimov, Director of the Center for Political and Legal Research**

The absence of a truly independent judicial system is fairly considered as one of the major barriers towards democratization in Kyrgyzstan.

Why is the judicial system not yet perceived as independent, despite numerous claims of former president Akaev and current president Bakiev that no one interferes in the work of judges in the country?

Unfortunately, despite statements of intent, the judicial system has not undergone significant changes. Extensive judicial experience shows that disputes which directly or indirectly touch upon the interests of high officials are always resolved in favor of these officials.

Obviously, it is hard to question a specific court's decision based on one's personal perception, since only the court can resolve issues of legitimacy in any decision. However, there are numerous cases in which decisions have been taken based not on law, but on shrewd political considerations. One example is the famous decision of the Constitutional court that allowed Askar Akaev's third tenure as president. Another example is the case of Feliks Kulov, who was imprisoned under one president and acquitted under the second immediately after the regime change.

Still, most of the criticism of the courts has been based on plentiful evidence of property redistribution, in which those incorporated into the administrative system of the state use court decisions get

their hand on the best pieces of the property pie. Evidence of courts working under administrative pressure rather than under the legal framework lies in the fact that each new wave of rotation in high offices leads to a rotation of ownership in the most profitable companies, thus demonstrating the principle that prevails in non-liberal democracies: the wellbeing of a person mostly depends not on economic entrepreneurship or luck, but on his seat in the system of state power.

The above-stated examples demonstrate the insufficiency of verbal statements about non-interference in court cases. There is a need to secure norms on the institutional and legal level that would not allow such interference.

Today, the Constitution prescribes that local judges are to be appointed by the President with the approval of the Jogorku Kenesh, and that judges of the Supreme and Constitutional Courts are to be elected by the Jogorku Kenesh from a pool of candidates suggested by the President. Naturally, Deputies supporting the President would vote for the candidates he suggests. Thus, the appointment of judges directly depends on their loyalty to the head of state.

However, the main factor that forces judges to listen closely to the opinion of the President and his administration is that he can dismiss any of them at any time. According to the first clause of article 81 of the constitution, “judges may be dismissed upon



their initiative, due to health conditions, for committing a crime upon the effect of the conviction of the court, and **also based on other grounds provided in Constitutional Law.**"

In the article of constitutional law "On the Status of Judges of the Kyrgyz Republic," it is stated, "...local judges **may also be dismissed early based on the results of the official qualifications test**, the conditions and procedures of which are defined by the law of the Kyrgyz Republic" (clause 11, article 11). While the Law "About the procedures of testing the qualifications of judges of the KR" states that **"the testing of local judges can be conducted on a regular basis, as well as in unplanned (individual) cases"** (article 6), i.e. prior to completion of the judge's official term. The last thing to add is that members of the testing commission are appointed by the President (article 2 of the mentioned Law).

Dismissal procedures are more complicated in the case of Supreme and Constitutional Court judges. The Judges may be dismissed upon the recommendation of the President and by a vote of at least 2/3 of Jogorku Kenesh Deputies. Of course, considering the general misbalance among all branches of power, the President can easily enforce his decision without any problems. Besides, there are known cases in which the chair of the Supreme Court was forced to resign or was moved to a position in a different branch of power until the end of his term.

Along with the process of dismissal, the application of disciplinary measures on judges is also not transparent; it lacks clear and objective criteria for penalizing judges. The President reserves the right to remove judges from their position based on broad and undefined grounds, complementing his authority to appoint/recommend candidates for the next term. Even though the head of state does not practice this right often, it effectively influences judges and jeopardizes their independence. Judges do not feel secure either while serving their term, or when looking into their future careers.

These factors demonstrate the dependence of judges on the head of state that is laid out on the institutional level. Obviously, it is irrational to hope that a good president or his administration will not use (or threaten to use) their legal privileges for their own benefit. The system has to be changed. It is important that the appointment of judges, and especially their dismissal, does not depend on the will of one branch of power and is not a subject to free discretion.

It is worth stating that the manner of recruiting and training of candidates for the position of judge

also plays an important role. Judges in developed countries are the best skilled staff; one could call them the elite of the state apparatus. If this were not the case, incompetent Themis workers would be able to discredit the very idea of justice. The high professionalism of judges should be established prior to their appointment to the position so that no one would doubt their competence or conduct various tests as an excuse to get rid of displeasing people or to collect bribes.

Throughout the world, different mechanisms exist for forming a judicial body. In general, they can be divided into three groups:

1) Judges are appointed in the process of cooperation between the other two branches of power – legislative and executive. In some countries, they are appointed by a Monarch (Belgium, Denmark, Sweden) or a president (India, Sri-Lanka, Bangladesh). In other countries, judges are appointed or approved by the legislative body (China, Argentina, Brazil, South Korea). Theoretically, such a model limits the influence of other branches of power on the judicial branch. In western countries, this pressure is prevented by centuries-old liberal and democratic traditions, developed civil society, and a highly developed legal culture. In countries that have yet to obtain liberal traditions, such a model is fraught with distortion in the system of checks-and-balances.

2) According to a second model, judges resolve issues of appointment independently, usually working through their own official associations. Such a system exists, for instance, in Ecuador. In Greece and Pakistan, before appointing a judge, the President must consult the Council of Judges. Although such a system decreases the possibility of pressure from other branches of power on judges, a new problem occurs – the creation of an isolated class of judges, who are thus not always capable of effective renewal and performance.

3) A third group is presented by the model in which candidates for judicial positions are recommended or approved by an independent body formed by representatives from all three branches of power and professional legal organizations. Theoretically, such a mechanism significantly decreases the possibility of pressure being placed on judicial power from any one source. This model is relatively new, and is used in a number of developing countries (in Africa for example) as a means to overcome corruption and pressure from the government administration.

There is also the United States experience, in which judges are elected in the majority of states. Yet, in the same country Federal Judges are appointed by

the President upon consultation and agreement by the Senate. Still, it must be noted that the elective principle of judges, peculiar to the U.S., is based on the long-term experience of self-organization and self-governance in American society. Experts agree that electing judges has an inherent defect: judges become dependent on the public opinion in their constituencies. American researcher L. Friedman writes that the principle of electing judges surprises many. "What if doctors, policemen or chemists were elected?" In this case, the professionalism and independence of judges from public opinion are subject to doubt.

It is worth noting that the specificities of our country predetermine our choice of mechanism for appointing judges. In other words, we need a method which would bring the needed results, be it African, Asian or Western European. We have neither liberal and democratic traditions, nor particular wisdom and integrity among our rulers. The only path is to try to create an optimal institutional model based on democratic values.

Considering Kyrgyzstan's short experience of Post-Soviet development with its high level of corruption, along with the tendency of the power to manipulate judges and constrain the development of civil society, it is better to apply the third model of forming a judicial body. This model is the best in minimizing the possibility of influencing judges, while also not allowing the judicial body to turn into a separate estate within the state. This concern is also important, because a closed judicial society would unavoidably lead to the appearance of corporate cover-up elements

Some of main problems of the modern justice system of Kyrgyzstan include the following:

- The independence of court system is not institutionally secured;
- The level of training and competence of judges has room for improvement;
- Under funded courts and judges and unclear articulation of their responsibilities form a favorable environment for the thrift of corruption;
- Society has acquired a deformed legal culture, in which the level of legal consciousness is still low.

Thus, solutions to identified issues of the court system lie within the framework of answers to the following questions:

**1) What should be done in the context of reforms in order to ensure the establishment of a truly independent court system?**

It is important to develop mechanisms of recruiting, training, appointing, testing, and dismissing judges of various levels. These procedures ought to be operated on the principles of independence, professionalism, and transparency for the judicial branch of the government. At that, the long-term dismissal of judges should only occur in emergency cases and situations clearly described by Law.

For example, an independent body (commission) formed by representatives of the courts, attorneys, and legal scholars could deal with the recruitment and assessment of candidates for the position of judge. The commission should be formed from the executive, legislative and judicial branches of power and professional legal organizations on strict principles of parity. Such a commission should work on the principles of competency, transparency, and continual turnover of its members. The appointment of judges from the candidates selected by the commission should be reserved for the decision of the President (and/or Prime-Minister) and Parliament, who would mutually balance each other. In this case, the President and Parliament would not appoint judges independently, but only select from those candidates that went through the procedure of recruitment, training and testing in the commission.

It is worth noting that administrative pressure on and bribing of the commission would be complicated by the large number of its members (at least 20 people), the continual turnover of its membership, the transparency in their work, and also due to the fact that it would include only the most high-profile and respected lawyers and NGO representatives in the country.

Issues of early dismissal of judges from their position (only in cases strictly provided by Constitutional law – for example, health situations, discrediting a judge's title, crime perpetration) could also be resolved by this commission.

Thus, such a system provides for the building of a foundation for creating independent courts, as well as introducing mechanisms of assessment that could eliminate doubt about the professionalism of judges.

**2) How can the level of funding for judges and courts be raised in order to avoid creating a favorable environment for corruption?**

Perhaps the constitution should provide that a minimal level of financial resources (one that cannot be decreased) be allocated from the state budget for



funding the court system. Such a mandate has been successfully practiced in several countries, Costa Rica for example, where at least 6% of the state budget has been allocated to the judicial branch. There are also other mechanisms that can be used, depending on the degree to which other branches of power respect the importance of the court system.

**3) How to create an appropriate and rational system of training lawyers (future judges), as well as a system for increasing their qualifications?**

The world has gained fairly extensive experience in training judges, starting from the university desk and continuing through internships in which candidates must be critically analyzed and considered for possible application as judges.

Having answered the questions outlined, it is now possible to form an integral understanding of the changes that need to be made in the constitution. Constitutional reforms allow for a change in the principles of forming a judicial body. The primary law on this issue should not be overloaded with extra details. The main changes in the current constitution should touch upon the mechanisms of appointing

and dismissing judges. The primary law should also state the status and principles of the formation and work of an independent body (commission) concerned with the training and recruitment of judges. All other details could be provided in other laws that would be passed based on the new constitution.

In conclusion, it is worth stating that it is impossible to build a legal system that would be recognized as effective and fair by the public overnight. Its work depends directly on the overall level of social development, the system of education, and the political and legal culture of people. Such phenomena as incompetence, corruption, partisanship, and sometimes bold silliness may take place in any society, particularly in a transitioning society such as Kyrgyzstan. However, to see the desired results tomorrow, reforms should take place today. A long path of coordinating interests and fighting for our rights lies ahead, but having understood the significance of the judicial system and having created constitutional foundation for it, Kyrgyz society would increase its chances for victory in this struggle considerably, while a lack of such an institutional basis seriously complicates, postpones, or even makes impossible such advancement.